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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,465	09/16/2003	Lise King	KING-5	2192
25889	7590	03/15/2004	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			VALENTI, ANDREA M	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/663,465

Applicant(s)

KING, LISE

Examiner

Andrea M. Valenti

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 12-15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,113,793 to Leader et al.

Regarding Claim 1, Leader et al teaches a pet stroller with a frame having a bottom section; a tray disposed on the bottom section (#19); a handle (#3) disposed on the frame; a plurality of wheels (#10, 8, 7) rotatably secured to the frame; and enclosure having an enclosure frame (#15) forming a bottom section of the enclosure, an outer section of the enclosure, and a plurality of end sections of the enclosure; a flexible material (#2) secured to the enclosure frame and covering the outer section of the enclosure and at least one of the plurality of end sections of the enclosure; and a door (#17) releasably secured to at least one of the plurality of end sections of the enclosure; the enclosure is mounted in the frame by placing the enclosure on the tray (Fig. 1).

Regarding Claim 2, Leader et al teaches fabric layer disposed on the bottom section (Col. 3 line 57).

Regarding Claim 3, Leader et al teaches a frame comprises a plurality of side rails (#12) secured to the bottom section and a plurality of rear rails (#6) secured to said bottom section.

Regarding Claim 4, Leader et al teaches the plurality of side rails and said plurality of rear rails are comprised of metal tubing (#12 and 6).

Regarding Claim 6, Leader et al teaches flexible material is secured to the enclosure frame with adhesive, rivets or binding (#16).

Regarding Claim 10, Leader et al teaches the frame comprises a plurality of frame components (#24, 26, 21).

Regarding Claim 12, Leader et al teaches a durable, water resistant material disposed on a portion of said outer section of said enclosure (#2 and Col. 3 line 49).

Regarding Claim 13, Leader et al teaches durable water-resistant material disposed on a portion of said outer section of said enclosure covers approximately one half of the length of said enclosure (Fig. 1 #2 and Fig. 4).

Regarding Claim 14, Leader et al teaches the enclosure is collapsible (#2).

Regarding Claim 15, Leader et al teaches the frame is collapsible (Col. 4 line 7).

Regarding Claim 18, Leader et al teaches the plurality of wheels comprises four wheels (#10, 8, 7).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,113,793 to Leader et al.

Regarding Claim 5, Leader et al is silent on metal tubing being welded or screwed together. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely an engineering design choice involving the selection of old and notoriously well-known fastening means for metal articles selected to meet certain design parameters such as ease of manufacturing and cost constraints.

Regarding Claim 16, Leader et al is silent on the plurality of wheels being comprised of rubber. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the selection of a known material for intended use. It is old and notoriously well-known to use rubber tires, e.g. automobiles etc, selected for its durability and traction.

Claims 7, 8, 9, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,113,793 to Leader et al in view of U.S. Patent No. 5,335,618 to Zarola.

Regarding Claims 7 and 8, Leader teaches keeping out mosquitoes, but is silent on the flexible material comprises netting material. However, Zarola teaches a pet enclosure made of netting material (Zarola Col. 4 line 13). It would have been obvious to one of ordinary skill in the art to modify the teachings of Leader with the teachings of Zarola at the time of the invention for a means of controlling mosquitoes but providing a view port for the animal and enhanced air circulation.

Regarding Claim 9, Leader as modified is silent on the netting material is secured to said enclosure frame by rope or string which is wrapped through a hole in said netting material and around said enclosure frame. However, it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely the selection of an old and notoriously well-known alternate equivalent fastening means selected to achieve certain engineering design parameters such as ease of manufacturing, ease of assembly or cost.

Regarding Claim 20, Leader as modified teaches the door is releasably secured to at least one of said plurality end sections of said enclosure by a zipper (Zarola #27).

Claims 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,113,793 to Leader et al in view of European Patent EP 0567437 A2 to Gonella.

Regarding Claim 11, Leader teaches a plurality of crossbars (Leader Fig. 4 #26), but is silent on a plurality of frame components comprise a plurality of semicircular hoop portions and a plurality of crossbars. However, Gonella teaches a pet enclosure frame with semicircular hoops (Gonella Fig. 4a # 5). It would have been obvious to one of ordinary skill in the art to modify the teachings of Leader with the teachings of Gonella at the time the invention was made since the modification is merely a change in shape to enhance aesthetic appeal and efficient use of space and does not present a patentably distinct limitation.

Regarding Claim 19, Leader as modified teaches the enclosure frame is constructed from a strong weather-proof material selected from the group consisting of aluminum, steel and heavy plastic (Gonella Col. 3 line 16).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,113,793 to Leader et al in view of U.S. Patent No. 3,075,783 to Flam.

Regarding Claim 17, Leader is silent on at least one of said plurality of wheels can rotate sideways for steering the pet stroller. However, Flam teaches a stroller where one of the wheels can rotate sideways (Fig. 3 #16). It would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention for maneuverability taught by Flam.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,584,937; U.S. Patent No. 2,967,059; U.S. Patent No. 5,427,402; U.S. Patent No. 5,176,395; U.S. Patent No. 2,821,165; U.S. Patent No. 6,223,691; U.S. Patent No. 5,988,110; U.S. Patent D445,965 S; U.S. Patent No. 6,374,775; U.S. Patent No. 6,076,485; U.S. Patent No. 6,021,740; U.S. Patent Pub. No. 2003/0127059 A1; U.S. Patent No. 1,143,774.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-

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3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

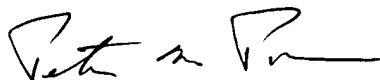
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrea M. Valenti  
Examiner  
Art Unit 3643

08 March 2004



Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600